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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,654	09/09/2003	Michael D. Hamerski	56127US008	1976

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/658,654	Applicant(s) HAMERSKI, MICHAEL D.	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 13-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 7, 12 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is a non-final office action for application number 10/658,654, Hanger, filed on September 10, 2003. Claims 1-20 are pending.

Response to Appeal Brief

The finality of the rejection of the last Office action has been withdrawn in view of applicant's arguments in Appeal Brief filed August 4, 2005.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, 6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,637,181 to Janssen in view of U.S. Patent 4,606,666 to Patton. Janssen discloses a hanger (Fig. 5, 32) capable of supporting one or more sheets of paper, the hanger comprising: a base (33) having a supported surface (11) adapted to be positioned along a generally vertical surface, and an opposite outer surface; an elongate peg (34) having a longitudinal axis and first and second longitudinally spaced ends, a portion of the peg adjacent the first end being mounted on the base in a use position with the axis of the peg being generally at a right angle with respect to the supported surface, and a major portion of the peg adjacent the second end projecting from the outer surface, the major portion of the peg having a predetermined diameter, having a generally uniform cross sectional area along its

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length, and having an axially extending surface portion; and wherein the second end of the peg is pointed.

Janssen discloses the claimed invention except for the limitations of the diameter being of less than 0.17 inch (0.43 centimeter) or about 0.11 inch, the extending surface portion of the peg being adapted to restrict free movement of sheets of paper around the peg axially of the peg, and the major portion of the peg adjacent the second end projecting from the outer surface of the base by a distance in a range of about 0.15 to 0.30 inch.

Patton teaches a paper holder having a base (14) having a supported surface, an elongate peg (18) having a longitudinal first axis and first and second longitudinally spaced ends, a portion of the peg adjacent the first end being mounted on the base in a use position with the axis of the peg being generally at a right angle with respect to the supported surface, the axially extending surface portion of the peg being adapted to restrict movement of sheets of paper around the peg axially of the peg, wherein the axially extending surface portion of the peg defines closely spaced sharp edges, wherein the peg is serrated to form peaks and sharp edges, wherein the peg has axially spaced transverse ridges only on the axially extending surface portion that have the sharp edges, wherein the second end of the peg is pointed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the peg in Janssen to have included the peg as taught by Patton for the purpose of holding the sheets of paper on the peg.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the diameter of the peg in Janssen to have been less than 0.17 inch in diameter or about 0.11 inch in diameter for the purpose of providing a specific dimension for the diameter of the rod and since the rod in Janssen is small enough to accommodate an aperture or hole formed in the one or more sheets of paper.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the distance of the major portion extension from the outer surface to have been about 0.15 to 0.30 inches for the purpose of providing a definite distance and since such a modification would not have produced any unexpected results because the predetermined distance of the major portion in regards to the outer surface in Janssen is capable of accommodating a plurality of sheets of paper.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen combined with Patton in view of U.S. Patent 2,866,583 to Batts and in further view of U.S. Patent 5,690,561 to Rowland et al., hereinafter, Rowland. Janssen combined with Patton discloses the claimed invention except for the limitation of the peg having a coating of abrasive granules that have sharp edges. Batts discloses a hanger comprising a hanging surface (14) including an adhesive coating of abrasive granules (22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the peg in Janssen combined with Patton to have substituted an adhesive coating of abrasive granules for the serrations in Patton

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because one would have been motivated to provide an alternative means for holding suspending objects that prevents vibration-induced slippage of the hung objects on the peg as taught by Batts (col. 1, lines 48-56). Janssen combined with Patton and Batts disclose the claimed invention except for the limitation of the granules having sharp edges. Rowland teaches a device for frictionally engaging another object comprising an adhesive coating (Fig. 17) having a serrated surface (112) forming peaks (104) with sharp edges (110) and an alternative frictional means (Fig. 2) comprising a coating of abrasive granules (14) with sharp edges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the adhesive coating in Batts by providing granules with sharp edges because one would have been motivated to provide an alternative means for frictionally engaging an object mounted on the peg as inherently taught by Rowland.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen combined with Patton and in further view of U.S. Patent 6,106,937 to Hamerski. Janssen combined with Patton disclose the claimed invention except for the limitation of a length of stretch release adhesive. Hamerski teaches a mounted device (Fig. 14) including a base (406) having a supported surface (410) with a length of stretch release adhesive (408) adhered thereto. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the supported surface in Janssen to have included the length of stretch adhesive as taught by Hamerski as opposed to the coating or powdered fuel in Janssen for the purpose of

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providing an alternative, mechanically equivalent means for mounting the hanger on a vertical surface.

Claims 1-4, 9, 10, 13-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,314,121 to Brennan in view of U.S. patent 6,074,147 to Shu. Brennan discloses a hanger (16) capable of supporting one or more sheets of paper, the hanger comprising: a base having a supported surface (17) adapted to be positioned along a generally vertical surface, and an opposite outer surface; an elongate peg (19) having a longitudinal axis and first and second longitudinally spaced ends, a portion of the peg adjacent the first end being mounted on the base in a use position with the axis of the peg being generally at a right angle with respect to the supported surface, and a major portion of the peg adjacent the second end projecting from the outer surface, the major portion of the peg having a predetermined diameter, having a generally uniform cross sectional area along its length, and having an axially extending surface portion; only the axially extending surface portion of the peg being adapted to restrict free movement of sheets of paper around the peg axially of the peg; and wherein the axially extending surface portion of the peg defines closely spaced sharp edges; and wherein the peg has machined screw threads extending around the axis of the peg.

Brennan discloses the claimed invention except for the limitations of the diameter being of less than 0.17 inch (0.43 centimeter) or about 0.11 inch and the major portion of the peg adjacent the second end projecting from the outer surface of the base by a distance in a range of about 0.15 to 0.30 inch.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the diameter of the peg in Brennan to have been less than 0.17 inch in diameter or about 0.11 inch in diameter for the purpose of providing a specific dimension for the diameter of the peg and since the peg in Brennan small enough to accommodate an aperture or hole formed in the one or more sheets of paper.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the distance of the major portion extension from the outer surface to have been about 0.15 to 0.30 inches for the purpose of providing a definite distance and since such a modification would not have produced any unexpected results because the predetermined distance of the major portion in regards to the outer surface in Brennan is capable of accommodating a plurality of sheets of paper.

Further, Brennan discloses the claimed invention except for the limitations of the peg being serrated to form peaks having sharp edges and the second end of the peg being pointed. Shu teaches a peg (32) having an axially extending surface portion defining closely spaced sharp edges, the edges are defined by screw threads extending around the axis of the peg, wherein the peg is serrated to form peaks having the sharp edges, and wherein the peg is pointed (@34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the peg in Brennan to have included the peg as taught by Shu for the purpose providing an alternative and mechanically equivalent means for retaining sheets of paper on the peg.

Allowable Subject Matter

Claims 7, 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see appeal brief, filed August 4, 2005, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Janssen combined with Patton, Batts, Rowland, and Hamerski in regards to the respective claims; and Brennan combined with Shu, in regards to the respective claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,083,913 to Bates

U.S. Patent 1,520,982 to Sullivan

U.S. Patent 3,813,985 to Perkins

U.S. Patent 3,970,331 to Giulie

U.S. Patent 4,016,977 to Krautsack

U.S. Patent 4,832,207 to Alexander

U.S. Patent 5,813,550 to Sheehan et al.

U.S. Patent 6,213,359 to Gish

U.S. Patent 6,574,894 to Hamilton

U.S. Patent 6,763,956 to Woods


Bates and Sullivan both disclose a calendar holder having a threaded rod for attaching the sheets of the calendar to a base. Perkins discloses an adhesive coated fastener. Giulie discloses a binder element for a stack of papers. Krautsack discloses a hanger for supporting sheet-like items for presentations. Alexander discloses a pad installation holder having a peg for supporting the pad. Sheehan et al. disclose a rack having a plurality of pegs extending from a base member. Gish discloses a non-slip coated hanger rod. Hamilton discloses a framed calendar holder. Woods discloses a rack having a plurality of rods that appear to be threaded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anita M. King
Primary Examiner
Art Unit 3632

June 12, 2006